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5 Attorneys for Defendant Maxim
Integrated Products, Inc.

Attorney for Plaintiff Gregory Bender

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. C09-01152-SI

**STIPULATION AND [PROPOSED]
ORDER REGARDING AMENDED
INFRINGEMENT CONTENTIONS**

18 Plaintiff Gregory Bender (“Plaintiff”) and Defendant Maxim Integrated Products, Inc.,
19 (“Defendant”), through their respective counsel, hereby make the following stipulation with
20 regards to Plaintiff’s infringement contentions.

21 WHEREAS on September 29, 2009, Plaintiff served his infringement contentions on
22 Defendant.

23 WHEREAS, on October 19, 2009, Defendant filed a motion to compel more detailed
24 infringement contentions from Plaintiff (D.I. 24). Said motion is still in the briefing phase.

25 WHEREAS, the Court has granted Defendant temporarily relief from its discovery
26 obligations pending resolution of this issue in its order dated October 28, 2009 (D.I. 34).

27 WHEREAS, Plaintiff has agreed to amend his contentions, and

WHEREAS, Defendant has agreed to withdraw its motion to compel, without prejudice, pending receipt of the forthcoming amended contentions.

THE PARTIES HEREBY STIPULATE THAT:

Plaintiff shall serve amended infringement contentions on or before **December 18, 2009**.

Defendant shall withdraw its motion to compel amended infringement contentions, without prejudice to re-filing once it receives the amended contentions.

Defendant's obligations under Patent L.R. 3-3 and 3-4 shall be due 45 days from receipt of Plaintiff's amended contentions unless Defendant renews its motion to compel within 14 days.

The Court's previous order granting Defendant temporary relief from its discovery obligations (D.I. 34) shall remain in place until the dispute is resolved.

Respectfully submitted,

Dated: November 17, 2009

Jones Day

By: /s/ Gregory Lippetz

Greg L. Lippetz

Greg E. Lipsett
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Counsel for Defendant Maxim Integrated Products, Inc.

In accordance with General Order No. 45, Section X(B), the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

Dated: November 17, 2009

By: /s/ David Kuhn

David N. Kuhn

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Piedmont, California 94611

Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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4 DATED: _____, 2009

5 By:

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7

8 THE HON. SUSAN ILLSTON
9 United States District Court Judge

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